

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1337**

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**Introduced by Senator DeSaulnier**  
**(Coauthor: Senator Hancock)**  
(Coauthor: Assembly Member Buchanan)

February 24, 2012

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An act to create the Zone 7 Water Agency, and prescribing its boundaries, organization, operation, management, financing, and other powers and duties, to amend Section 2 of, and to repeal Section 36 of, the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1337, as amended, DeSaulnier. Zone 7 Water Agency Act.

Existing law, the Alameda County Flood Control and Water Conservation District Act, establishes the Alameda County Flood Control and Water Conservation District and grants to the district authority relating to, among other things, flood control and stormwater. Under the district law, the Board of Supervisors of Alameda County serves as the Board of the Alameda County Flood Control and Water Conservation District.

The district law authorizes the board of the district to establish zones and provides for the formation of a zone lying, in whole or in part, in Pleasanton or Murray Townships. That zone is required to be governed by a board of 7 directors who are required to be elected by the voters residing within that zone.

This bill would remove Zone 7 from the Alameda County Flood Control and Water Conservation District and instead create the Zone 7

Water Agency, as prescribed, with specified authorizations, powers, and duties. This bill would authorize the agency to continue to impose any special taxes based upon assessed value or any other special taxes, assessments, or charges imposed by or on behalf of the former Zone 7, would authorize the agency to impose new special taxes or levy assessments, as prescribed, and would require any taxes or assessments to be levied and collected together with taxes for county purposes, as specified. This bill would also authorize the agency to designate the county treasury as its treasury, as prescribed.

By imposing new duties on a county, this bill would impose a state-mandated local program.

~~This bill would authorize the board of directors to adopt ordinances for the agency, and would make it an infraction to violate an agency ordinance. By creating a new infraction, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known as the Zone 7 Water  
2 Agency Act, and reads as follow:

3  
4 ZONE 7 WATER AGENCY ACT

5  
6 1. This act shall be known and may be cited as the Zone 7 Water  
7 Agency Act.

8 2. (a) A flood control and water district called the Zone 7 Water  
9 Agency is hereby created. This agency shall consist of all the  
10 territory in the Counties of Alameda and Contra Costa generally  
11 described as “Eastern Alameda County (the former Zone 7 of the  
12 Alameda County Flood Control and Water Conservation District  
13 which includes the City of Pleasanton, the former Murray  
14 Township, and a portion of the former Washington Township) and

1 the Dougherty Valley in the southern part of the City of San  
2 Ramon.”

3 (b) Authority for providing flood protection to the western  
4 portion of Alameda County, including all other zones within the  
5 Alameda County Flood Control and Water Conservation District  
6 (Chapter 1275 of the Statutes of 1949) shall stay with the Alameda  
7 County Flood Control and Water Conservation District and that  
8 authority remains unchanged by this act.

9 (c) Pursuant to Section 56387 of the Government Code, the  
10 County of Alameda is hereby designated to be the principal county  
11 for the agency.

12 3. (a) The objects and purposes of this act are to provide  
13 regional flood control, water supply reliability, and groundwater  
14 management as ~~follows:~~ *follows, to provide for the control of the*  
15 *flood and storm waters of said district and the flood and storm*  
16 *waters of streams that have their source outside of said district,*  
17 *but which streams and the flood waters thereof flow into said*  
18 *district, and to conserve such waters for beneficial and useful*  
19 *purposes by spreading, storing, retaining and causing to percolate*  
20 *into the soil within said district, or without such district, such*  
21 *waters, or to save or conserve in any manner all or any of such*  
22 *waters and protect from such flood or storm waters the*  
23 *watercourses, watersheds, harbors, public highways, life and*  
24 *property in said district, and to prevent waste of water or*  
25 *diminution of the water supply in, or exportation of water from*  
26 *said district and to obtain, retain and reclaim drainage, storm,*  
27 *flood and other waters for beneficial use in said district, and to*  
28 *engage in recreation activities incidental to and in connection with*  
29 *said purposes.*

30 ~~(1) Provide for the control of the flood and stormwaters of the~~  
31 ~~territory of the agency, and the flood and stormwaters of streams~~  
32 ~~that have their source outside of the territory of the agency but that~~  
33 ~~flow into the territory of the agency.~~

34 ~~(2) Conserve flood and stormwaters for beneficial and useful~~  
35 ~~purposes by spreading, storing, retaining, and causing to percolate~~  
36 ~~into the soil within or without of the territory of the agency.~~

37 ~~(3) Save or conserve in any manner all or any of the waters.~~

38 ~~(4) Protect from flood or stormwaters the watercourses,~~  
39 ~~watersheds, harbors, public highways, life, and property in the~~  
40 ~~territory of the agency.~~

1 ~~(5) Prevent the waste of water or diminution of the water supply~~  
2 ~~in, or exportation of water from, the territory of the agency.~~

3 ~~(6) Obtain, retain, and reclaim drainage, storm, flood, and other~~  
4 ~~waters for beneficial use in the territory of the agency.~~

5 ~~(7) Engage in recreation activities incidental to and in connection~~  
6 ~~with the purposes of this act.~~

7 (b) It is the intent of the Legislature that the agency work  
8 collaboratively with other appropriate entities in the Counties of  
9 Alameda and Contra Costa in carrying out the purposes of this act.

10 4. As used in this act:

11 (a) ~~“Agency”~~ *act* ~~“agency”~~ means the Zone 7 Water Agency.

12 (b) ~~“Water,” when not otherwise specified, shall include all~~  
13 ~~types of water, including, but not limited to, surface water,~~  
14 ~~groundwater, stormwater, floodwater, wastewater, recycled water,~~  
15 ~~and treated effluent or treated sewage. “Water” shall not include~~  
16 ~~treated wastewater, recycled water, and treated effluent or treated~~  
17 ~~sewage that another public agency is empowered to, and actually~~  
18 ~~does, produce, convey, treat, store, dispose of, or recycle, as of~~  
19 ~~December 31, 2012.~~

20 5. The agency is hereby declared to be a body corporate and  
21 politic and, in addition to other powers granted by this act, may  
22 take action to carry out all of the following purposes:

23 (a) To have perpetual succession.

24 (b) To sue and be sued in the name of the agency in all actions  
25 and proceedings in all courts and tribunals of competent  
26 jurisdiction.

27 (c) To adopt a seal and alter it at its pleasure.

28 (d) (1) To acquire by grant, purchase, lease, gift, devise,  
29 contract, construction, or otherwise, and to hold, use, enjoy, sell,  
30 let, and dispose of real and personal property of every kind,  
31 including lands, structures, buildings, rights-of-way, easements,  
32 and privileges, and to construct, maintain, alter, and operate any  
33 and all works or improvements, within or outside the agency,  
34 necessary or proper to carry out any of the objects or purposes of  
35 this act and convenient to the full exercise of its powers, and to  
36 complete, extend, add to, alter, remove, repair, or otherwise  
37 improve any works, or improvements, or property acquired by it  
38 as authorized by this act.

39 (2) All land and rights-of-way previously held by the Alameda  
40 County Flood Control and Water Conservation District within the

1 territory of the agency shall be transferred to the agency on the  
2 effective date of this act without any cost to the agency or district  
3 other than administrative costs incurred to transfer titles, which  
4 shall be borne by the agency.

5 (e) (1) To store water in surface or underground reservoirs  
6 within or outside of the agency for the common benefit of the  
7 agency to conserve, reclaim, recycle, treat, purify, distribute, store,  
8 and manage water for present and future use within the territory  
9 of the agency.

10 (2) To appropriate and acquire water and water rights, and  
11 import water into the agency and to conserve within or outside the  
12 agency, water for any purpose useful to the agency.

13 (3) To do any and every lawful act necessary to be done that  
14 sufficient water may be available for any present or future  
15 beneficial use or uses of the lands or inhabitants within the agency,  
16 including, but not limited to, the acquisition, storage, treatment,  
17 and distribution of water for irrigation, domestic, fire protection,  
18 municipal, commercial, industrial, environmental, institutional,  
19 recreational, and all other beneficial uses.

20 (4) To distribute, sell, or otherwise dispose of, outside the  
21 agency, any waters not needed for beneficial uses within the  
22 agency.

23 (5) To commence, maintain, intervene in, defend, or  
24 compromise, in the name of the agency on behalf of the landowners  
25 within the territory of the agency, or otherwise, and to assume the  
26 costs and expenses of any action or proceeding involving or  
27 affecting the ownership or use of waters or water rights within or  
28 outside the agency, used or useful for any purpose of the agency  
29 or of common benefit to any land situated within the territory of  
30 the agency, or involving the wasteful use of water within the  
31 territory of the agency. *To commence, maintain, intervene in,*  
32 *defend, and compromise, and to assume the cost and expenses of,*  
33 *any and all actions and proceedings. Provided, however, that the*  
34 *agency shall not have the power to intervene or take part in, or to*  
35 *pay the costs or expenses of, actions or controversies between the*  
36 *owners of lands or water rights that do not affect the interests of*  
37 *the agency.*

38 ~~(6) To commence, maintain, intervene in, defend, and~~  
39 ~~compromise and to assume the cost and expenses of any and all~~  
40 ~~actions and proceedings.~~

1     ~~(7)~~

2     (6) To prevent interference with or diminution of, or to declare  
3 rights in the natural flow of any stream or surface or subterranean  
4 supply of water used or useful for any purpose of the agency or of  
5 common benefit to the lands within the agency or to its inhabitants.

6     ~~(8)~~

7     (7) To prevent unlawful exportation of water from the agency.

8     ~~(9)~~

9     (8) To prevent contamination, pollution, or otherwise rendering  
10 unfit for beneficial use the surface or subsurface water used or  
11 useful in the agency, and to commence, maintain, and defend  
12 actions and proceedings to prevent any interference with the  
13 described waters as may endanger or damage the inhabitants, lands,  
14 or use of water in, or flowing into, the agency.

15     ~~(10) Provided, however, that the agency shall not have power~~  
16 ~~to intervene or take part in, or to pay the costs or expenses of,~~  
17 ~~actions or controversies between the owners of lands or water~~  
18 ~~rights that do not affect the interests of the agency.~~

19     (f) To control the floodwaters and stormwaters of the territory  
20 of the agency and the floodwaters and stormwaters of streams that  
21 have their sources outside of the territory of the agency, but that  
22 flow into the territory of the agency, and to conserve these waters  
23 for beneficial and useful purposes of the agency by spreading,  
24 storing, retaining, and causing to percolate into the soil within or  
25 without the territory of the agency, or to save or conserve in any  
26 manner all or any of those waters and protect from damage from  
27 those floodwaters or stormwaters the watercourses, watersheds,  
28 public highways, life, and property in the territory of the agency,  
29 and the watercourses outside of the territory of the agency of  
30 streams flowing into the territory of the agency.

31     (g) (1) To enter upon any land, to make surveys and locate the  
32 necessary works of improvement and the lines for channels,  
33 conduits, canals, pipelines, roadways, and other rights-of-way.

34     (2) To acquire by purchase, lease, contract, gift, devise, or other  
35 legal means all lands and water and water rights and other property  
36 necessary or convenient for the construction, use, supply,  
37 maintenance, repair, and improvement of the works, including  
38 works constructed and being constructed by private owners, lands  
39 for reservoirs for storage of necessary water, and all necessary  
40 appurtenances, and also where necessary or convenient to that end,

1 and for those purposes and uses, to acquire and to hold in the name  
2 of the state, the capital stock of any mutual water company or  
3 corporation, domestic or foreign, owning water or water rights,  
4 canals, waterworks, franchises, concessions, or rights, when the  
5 ownership of the stock is necessary to secure a water supply  
6 required by the agency or any part of the agency, upon the  
7 condition that when holding the stock, the agency shall be entitled  
8 to all the rights, powers, and privileges, and shall be subject to all  
9 the obligations and liabilities conferred or imposed by law upon  
10 other holders of the stock in the same company.

11 (3) To cooperate with, act in conjunction with, enter into, and  
12 to carry out any acts necessary for the proper performance of any  
13 agreement with the State of California, or any of its engineers,  
14 officers, boards, commissions, departments, or agencies, or with  
15 the government of the United States, or any of its engineers,  
16 officers, boards, commissions, departments, or agencies or with  
17 any state, city and county, city, county, agency of any kind, public  
18 or private corporation, association, firm, or individual, or any  
19 number of them, for the ownership, joint acquisition, leasing,  
20 disposition, use, management, construction, installation, extension,  
21 maintenance, repair, or operation of any rights, works, or other  
22 property of a kind which might lawfully be acquired or owned by  
23 the agency or for the lawful performance of any power or purpose  
24 of the agency provided for in this act, including, but not limited  
25 to, the granting of the right to the use of any water or the right to  
26 store that water in any reservoir of the agency or to carrying that  
27 water through any tunnel, canal, ditch, or conduit of the agency  
28 or for the delivery, sale, or exchange of any water right, water  
29 supply, or water pumped, stored, appropriated, or otherwise  
30 acquired or secured for the use of the agency, or for controlling  
31 drainage waters, or floodwaters or stormwaters of streams in or  
32 running into or out of the territory of the agency, or for the  
33 protection of life or property in the territory of the agency, or for  
34 the purpose of conserving any waters for the beneficial use within  
35 the agency, or in any other works, uses, or purposes provided for  
36 in this act.

37 (4) To adopt and carry out any definite plan or system for  
38 accomplishing, facilitating, or financing all work that may lawfully  
39 be accomplished by the agency and to enforce that plan or system  
40 by resolution or ordinance.

1 (h) To carry on technical and other necessary investigations,  
2 make measurements, collect data, and make analyses, studies, and  
3 inspections pertaining to water supply, water rights, control of  
4 floodwaters and stormwaters, water quality, groundwater  
5 management, or use of water both within and outside the agency  
6 relating to watercourses or streams flowing in or into the agency  
7 or groundwater located within or outside the territory of the agency.  
8 For these purposes, the agency shall have the right of access  
9 through its authorized representatives to all properties within the  
10 agency and elsewhere relating to watercourses and streams flowing  
11 in or into the agency. The agency, through its authorized  
12 representatives, may enter upon these lands and make  
13 examinations, surveys, and maps of the land.

14 (i) To prescribe, revise, and collect fees and charges for facilities  
15 furnished or to be furnished to any new building, improvement,  
16 or structure by the use of any flood control or storm drainage  
17 system constructed or to be constructed in an area of the agency,  
18 and whenever a drainage or flood control problem is referred to  
19 the agency by the County of Alameda or the County of Contra  
20 Costa, or any incorporated city in the County of Alameda or the  
21 County of Contra Costa, to require the installation of drainage or  
22 flood control improvements necessary or convenient, or both, for  
23 needs of the area, including, but not limited to, residential,  
24 subdivision, commercial, and industrial drainage and flood control  
25 needs, that county and those cities being hereby authorized to refer  
26 all drainage and flood control problems, arising under the  
27 Subdivision Map Act (Division 2 (commencing with Section  
28 66410) of Title 7 of the Government Code) or otherwise, to the  
29 agency for solution. Revenues derived under this subdivision shall  
30 be used for the acquisition, construction, reconstruction,  
31 maintenance, and operation of the flood control or storm drainage  
32 facilities of the area, to reduce the principal or interest of any  
33 bonded indebtedness of the area, or to replace funds expended on  
34 behalf of that area. Taxes and assessments imposed by or on behalf  
35 of the former Zone 7 of the Alameda County Flood Control and  
36 Water District may continue to be levied by the agency upon any  
37 property in the agency for the purpose of making payments to the  
38 state for the construction, maintenance, repair, and operation and  
39 all other costs of the agency's prorated share of state water facilities  
40 in accordance with this act.



1 (j) To incur indebtedness, and to issue bonds in accordance with  
2 this act.

3 (k) To cause taxes or assessments to be levied and collected for  
4 the purpose of paying any obligation of the agency, and to carry  
5 out any of the purposes of this act, in accordance with this act.

6 (l) To make contracts, and to employ labor, and to carry out all  
7 acts necessary for the full exercise of all powers vested in the  
8 agency or any of the officers of the agency, by this act.

9 (m) To pay to any city, public agency, district, or educational  
10 institution recognized under Chapter 3 (commencing with Section  
11 94301) of Part 59 of the Education Code, a portion of the cost of  
12 water imported by that city, public agency, the Zone 7 Water  
13 Agency, or educational institution into, for use within, and of  
14 benefit to the Zone 7 Water Agency.

15 (n) To establish designated floodways in accordance with the  
16 Cobey-Alquist Flood Plain Management Act (Chapter 4  
17 (commencing with Section 8400) of Part 2 of Division 5 of the  
18 Water Code).

19 (o) To acquire, construct, maintain, operate, and install  
20 landscaping or recreational facilities in connection with any dam,  
21 reservoir, lake, flood control facility, or other works or property  
22 owned or controlled by the agency.

23 (p) To acquire, construct, maintain, operate and install, lease,  
24 and control facilities for the generation, transmission, distribution,  
25 sale, exchange, and lease of electric power.

26 (q) To fully regulate wells and to require the sealing of  
27 abandoned or unused wells according to standards adopted by the  
28 board by ordinance and designed to protect the groundwater  
29 resources of the agency from contamination. Upon and following  
30 the effective date of the act, the County of Alameda or the County  
31 of Contra Costa or any incorporated city in the County of Alameda  
32 or the County of Contra Costa that is within the territory of the  
33 agency shall require all persons applying for any land development  
34 permit or approval to show the existence and location of any water  
35 well upon a map of the property that is the subject of the  
36 application. When a well is shown, the map shall be referred to  
37 the agency immediately upon receipt for review and investigation.  
38 If upon review and investigation the agency determines that the  
39 well or wells are to be sealed by the applicant pursuant to the

1 ordinance, the determination shall be transmitted promptly to the  
2 applicant by the agency as a requirement in writing.

3 (r) On land acquired or used for the flood control, drainage,  
4 water supply, water conservation, and water resource purposes of  
5 this act:

6 (1) To plan, improve, operate, maintain, and keep in a sanitary  
7 condition, a system of public parks, playgrounds, beaches,  
8 swimming areas, and other facilities for public recreation, for the  
9 use and enjoyment of all inhabitants of the agency, as an incident  
10 to the carrying out of the projects of the agency.

11 (2) To construct, maintain, and operate any other amusement  
12 or recreational facilities, including picnic benches and tables,  
13 bathhouses, golf courses, tennis courts, or other special amusements  
14 and forms of recreation.

15 (3) To fix and collect reasonable fees for the use by the public  
16 of any special facilities, services, or equipment pursuant to  
17 paragraph (2).

18 (4) To adopt any rules and regulations as in the discretion of  
19 the board are necessary to the orderly operation and control of the  
20 use, by the public, of the lands and facilities for recreational  
21 purposes, provided, however, that the board shall not, for the  
22 purposes specified in this subdivision, interfere with control or  
23 operation of any existing public park, playground, beach,  
24 swimming area, parkway, recreational ground, or other public  
25 property, owned or controlled by any county, other district, or  
26 municipality, except with the consent of the governing body of  
27 that county, district, or municipality, and upon terms as may be  
28 mutually agreed upon between the board and that governing body.

29 (s) To design, construct, or maintain any levees, seawalls, groins,  
30 breakwaters, jetties, outlets, channels, harbors, basins, or other  
31 work pertaining thereto, in a manner as to render them adaptable  
32 and useful to shoreline, beach, harbor, navigation, park, or marina  
33 development or use, and to do this work in cooperation with any  
34 other public or quasi-public agency or corporation concerned with  
35 this development or use.

36 (t) To establish and maintain building setback lines along the  
37 banks of any river, creek, stream, or other waterway, in any case  
38 where the board determines that a setback line is necessary,  
39 provided that this authority is not exclusive of similar authority  
40 that may be exercised by any county or city and provided further

1 that any development shall comply with the greatest setback line  
2 from a watercourse, for any of the following reasons:

- 3 (1) To prevent impediment of the natural flow of water.
- 4 (2) To protect life and property.
- 5 (3) To prevent damage from flooding, bank caving, or erosion.
- 6 (4) To prevent the pollution of waters.

7 (u) To import, control, distribute, store, spread, sink, treat,  
8 purify, recapture, and salvage any water, including, but not limited  
9 to, sewage or wastewater for the beneficial use or uses of the  
10 agency or its inhabitants or the owners of rights to waters within  
11 the territory of the agency. The agency may also acquire, construct,  
12 and operate facilities for the collection, treatment, and disposal of  
13 sewage, wastewater, and stormwater of the district and its  
14 inhabitants and may contract with any public agency concerning  
15 facilities and services.

16 6. (a) The agency may exercise the right of eminent domain,  
17 either within or outside of the agency, to take any property  
18 necessary to carry out any of the objects or purposes of this act.  
19 The agency in exercising this power shall in addition to the damage  
20 for the taking, injury, or destruction of property, also pay the cost  
21 of removal or relocation of any structure, railways, mains, pipes,  
22 conduits, wires, cables, or poles, of any public utility that is  
23 required to be moved to a new location. Nothing in this act  
24 contained shall be deemed to authorize the agency, or any person  
25 or persons to divert the waters of any river, creek, stream, irrigation  
26 system, canal, or ditch, from its channel, to the detriment of any  
27 person, or persons having any interest in the river, creek, stream,  
28 irrigation system, canal, or ditch, or its waters, unless compensation  
29 for the diversion is first provided in the manner provided by law.

30 (b) The agency shall not exercise the right of eminent domain  
31 to take any property, including water rights, appropriated to public  
32 use by any existing city, county, or district. Nothing in this act  
33 shall authorize the agency or any person to divert the waters of  
34 any river, creek, stream, irrigation system, canal, or ditch, unless  
35 compensation for the diversion is first provided in the manner  
36 prescribed by law.

37 (c) Nothing in this act shall affect the plenary power of any  
38 existing city, county, or municipal utility district to provide for a  
39 water supply for the city, county, or municipal utility district, or  
40 as affecting the absolute control of any properties of the city,

1 county, or municipal utility district necessary for the water supply.  
2 Nothing in this act shall be construed as vesting any power of  
3 control over the properties in the Alameda County Flood Control  
4 and Water Conservation District, or over any officer of the district  
5 or any person referred to in this act.

6 7. Except as otherwise provided in this act, an individual serving  
7 on the board of directors of the Zone 7 Water Agency on December  
8 31, 2012, shall continue to serve on the board of directors of the  
9 agency established by this act and shall hold office until his or her  
10 successor qualifies and takes office.

11 8. (a) The first election for all seven board positions shall be  
12 conducted at the June 2014, statewide primary election.  
13 Notwithstanding subdivision (b), the four top votegetters at the  
14 first election shall serve for terms of four years and the next three  
15 top votegetters shall serve for terms of two years. The terms of all  
16 seven directors elected pursuant to this subdivision shall commence  
17 on July 1, 2014, at noon.

18 (b) The term of office for a director shall be four years. Except  
19 as otherwise provided by this act, the term of office for each  
20 director elected pursuant to subdivision (a) shall be four years  
21 beginning at noon on the first day of July following his or her  
22 election and the board member shall hold office until his or her  
23 successor qualifies and takes office.

24 (c) Elections shall be conducted in accordance with the Uniform  
25 District Election Law (Part 4 (commencing with Section 10500)  
26 of Division 10 of the Elections Code), except as provided in  
27 paragraph (1), and shall be consolidated with the direct primary  
28 election in each even-numbered year.

29 (1) The directors shall be elected at large and the time for the  
30 nomination of candidates and issuance of notices in connection  
31 with the nomination of candidates shall be at the times provided  
32 by general law for the nomination of candidates at the direct  
33 primary election.

34 (2) A candidate for the board of directors shall be a resident and  
35 qualified elector of the agency. A director shall continue to reside  
36 within the agency's territory during his or her term of office.

37 (d) The directors elected pursuant to this section are to exercise  
38 their independent judgment on behalf of the interests of the entire  
39 agency, including the residents, property owners, and the public  
40 as a whole in furthering the purposes and intent of this act.

1     9. A vacancy in the office of any director shall be filled for the  
2 unexpired term by appointment by a majority of the remaining  
3 members of the board of directors.

4     10. Any elected director may be recalled by the voters pursuant  
5 to Chapter 1 (commencing with Section 11000) of Division 11 of  
6 the Elections Code.

7     11. (a) Any ordinances, resolutions, or board policies adopted  
8 by the board of directors of Zone 7 of the Alameda County Flood  
9 Control and Water Conservation District on or before December  
10 31, 2012, shall remain in full force and effect and be binding on  
11 the agency unless specifically repealed by the board of directors  
12 of the agency.

13     (b) The board may adopt resolutions for the agency that shall  
14 be adopted, certified, and recorded.

15     (c) (1) The board may adopt ordinances for the agency. All  
16 ordinances shall be enacted only by rollcall vote entered into the  
17 proceedings of the board. An ordinance shall be in full force and  
18 effect immediately upon adoption, and shall be published once in  
19 full in a newspaper of general circulation, printed, published, and  
20 circulated in the agency within 10 days after adoption.

21     ~~(2) It is an infraction for any person to violate any agency~~  
22 ~~ordinance adopted pursuant to this section from and after the~~  
23 ~~effective date of the ordinance. The violation shall be punishable~~  
24 ~~by a fine not exceeding five hundred dollars (\$500).~~

25     ~~(3)~~

26     ~~(2)~~ Any violation or threatened violation may also be enjoined  
27 by civil action.

28     (d) The board shall have power to make and enforce all needful  
29 rules, regulations, standards, and procedures for the administration  
30 and government of the agency, and to appoint and employ all  
31 needful agents, superintendents, engineers, attorneys, and  
32 employees to properly look after the performance of any work  
33 provided for in this act and to operate and maintain those works,  
34 and to perform all other acts necessary or proper to accomplish  
35 the purposes of this act.

36     (e) The board may establish rules and regulations for the sale,  
37 distribution, and use of water, which includes the power to restrict  
38 the use of water during any emergency caused by drought,  
39 emergency, or other threatened or existing water shortage and to  
40 prohibit the wastage of agency water or the use of agency water

1 during those periods for any purpose other than household uses or  
2 other restricted uses as may be determined to be necessary by the  
3 agency and may prohibit use of water during those periods for  
4 specific uses that the agency may from time to time find to be  
5 nonessential.

6 (f) In addition to the officers and employees prescribed by the  
7 act, the board may in its discretion appoint a president, a vice  
8 president, a clerk, and any other officers and employees for the  
9 board of directors or agency who, in its judgment, may be deemed  
10 necessary, prescribe their duties, and fix their compensation. Those  
11 officers and employees shall be employed, suspended, or their  
12 employment terminated in accordance with an ordinance setting  
13 forth rules, regulations, standards, and procedures for appointment,  
14 suspension, and termination of employment.

15 12. (a) The agency shall have jurisdiction and power to employ  
16 competent registered civil engineers and geologists to investigate  
17 and carefully devise a plan or plans for projects, and to obtain  
18 information in regard to projects, as may be deemed necessary or  
19 useful for carrying out the purposes of this act.

20 (b) The board may direct any engineer or geologist described  
21 in subdivision (a) to make and file reports from time to time  
22 including the following information:

23 (1) A general description of a project, together with general  
24 plans, profiles, cross sections, and general specifications relating  
25 to the project.

26 (2) A general description of the lands, rights-of-way, easements,  
27 and property proposed to be taken, acquired, or injured in carrying  
28 out the project.

29 (3) A map or maps that show the location of the project, and  
30 lands, rights-of-way, easements, and property to be taken, acquired,  
31 or injured in carrying out the project, and any other information  
32 in regard to the project that may be deemed necessary or useful.

33 (4) An estimate of the cost of the project, including a statement  
34 of the portion, if any, of cost advanced by the agency for the project  
35 for which the agency proposes to reimburse itself from the proceeds  
36 of sale of any bonds to be issued to pay for the project and an  
37 estimate of the cost of lands, rights-of-way, easements, and  
38 property proposed to be taken, acquired, or injured in carrying out  
39 the project, and also of all incidental expenses likely to be incurred  
40 in connection with the project, including legal, clerical,

1 engineering, superintendence, inspection, printing, and advertising,  
2 and, if deemed advisable, a sum sufficient to pay interest on any  
3 bonds proposed to be issued during all or any part of the period of  
4 construction of the project and for no longer than 12 months  
5 thereafter, and the total amount of bonds, if any, necessary to be  
6 issued to pay for the project.

7 (c) Any engineer or geologist described in subdivision (a) shall  
8 from time to time and as directed by the board file with the board  
9 supplementary, amendatory, and additional reports and  
10 recommendations, as necessity and convenience may require.

11 13. (a) Any abandoned or unused water well endangering the  
12 public health and safety by creating a water contamination hazard  
13 is a public nuisance. The board shall, by ordinance, establish  
14 standards for what constitutes a water contamination hazard and  
15 procedures for the declaration and abatement of public nuisance  
16 consistent with this section.

17 (b) Whenever the agency determines that a public nuisance, as  
18 defined, exists, it shall, by certified mail, notify the current record  
19 owner of the property to abate the public nuisance and that it is  
20 the intention of the agency to record a notice of violation of the  
21 ordinance. The notice to the owner shall describe the violation and  
22 specify a time, date, and place for a hearing, at which the owner  
23 may present evidence to the board that a public nuisance does not  
24 actually exist and that the notice should not be recorded. The notice  
25 to the owner shall state that, unless the public nuisance is abated  
26 within the time specified by the board following the hearing, the  
27 agency may abate the public nuisance and the costs of the  
28 abatement will be assessed against the property. The meeting shall  
29 take place no sooner than 30 days and no later than 60 days from  
30 date of the certified mailing. If, within 15 days of receipt of the  
31 notice, the owner of the real property fails to inform the agency  
32 of his or her objection to recording the notice of violation, the  
33 board shall record the notice of violation with the county recorder.  
34 If, after the owner has presented evidence, it is determined that  
35 there has been no violation, the agency shall mail a clearance letter  
36 to the current owner of record. If, however, after the owner has  
37 presented evidence, the board determines that a violation has in  
38 fact occurred, the board shall record the notice of violation with  
39 the county recorder. The notice of violation, when recorded, shall  
40 be deemed to be constructive notice of the violation to all

1 successors in interest in the property. The county recorder shall  
2 index the names of the fee owners in the general index.

3 (c) If the board determines, at the conclusion of the hearing,  
4 that a public nuisance actually exists, the board shall order the  
5 property owner to abate the public nuisance within a specified  
6 time.

7 (d) If the public nuisance is not abated within the time specified  
8 in the order of the board following a hearing, the agency may abate  
9 the public nuisance. Any entry upon private property by the agency  
10 for this purpose shall be preceded by written notice to the owner  
11 by certified mail stating the date and place of entry, the purpose  
12 of entry, and the number of persons entering. If the mailed notice  
13 is returned undelivered, the agency may post a copy of the notice  
14 at the proposed entry point five days prior to entry.

15 (e) Any costs incurred by the agency in abating a public nuisance  
16 pursuant to this section are a lien upon the property upon which  
17 the public nuisance existed when notice of the lien is filed and  
18 recorded.

19 (f) Notice of the lien, particularly identifying the property on  
20 which the nuisance was abated and the amount of the lien, and  
21 naming the owner of record of the property, shall be recorded by  
22 the agency in the office of the Alameda or Contra Costa County  
23 Recorder, as appropriate, within one year after the first item of  
24 expenditures by the agency or within 90 days after the completion  
25 of the work, whichever first occurs. Upon recordation of the notice  
26 of lien, the lien shall have the same force, effect, and priority as a  
27 judgment lien, except that it shall attach only to the property  
28 described in the notice, and shall continue for 10 years from the  
29 time of recording of the notice unless sooner released or otherwise  
30 discharged.

31 14. The board shall determine which projects or works of  
32 improvement shall be carried out and shall determine, as to each  
33 project or work of improvement, that it is for the benefit of the  
34 agency in whole or in part.

35 15. The agency may designate the county treasury as its  
36 treasury, for all purposes or for such purposes as may be identified  
37 by the board of directors by resolution.

38 16. The board of directors may create by resolution any advisory  
39 boards, committees, or commissions for the agency as in its  
40 judgment are required to serve the best interests of the agency.



1 The board may grant to any advisory board, committee, or  
2 commission it creates duties as are consistent with the provisions  
3 of this act. The number of members of any board, committee, or  
4 commission created by the board shall be not less than three and  
5 shall be specified in the resolution. Members of any board,  
6 committee, or commission created by the board shall serve at the  
7 pleasure of the board.

8 17. Notwithstanding any other law, the agency may continue  
9 to impose any special taxes based upon assessed value or any other  
10 special taxes, assessments, or charges imposed by or on behalf of  
11 the former Zone 7 of the Alameda County Flood Control and Water  
12 Conservation District.

13 18. Subject to Section 4 of Article XIII A and Article XIIC of  
14 the California Constitution, the agency may impose new special  
15 taxes in accordance with Article 3.5 (commencing with Section  
16 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the  
17 Government Code at minimum uniform rates according to land  
18 use category and size.

19 19. The agency may levy assessments upon any property in the  
20 agency, in accordance with the Improvement Act of 1911, the  
21 Improvement Bond Act of 1915, the Municipal Improvement Act  
22 of 1913, or the Refunding Assessment Bond Act of 1935.

23 20. (a) Any taxes or assessments shall be levied and collected  
24 together with, and not separately from, taxes for county purposes  
25 and the revenues derived together with any penalties paid by the  
26 county to the agency.

27 (b) Provisions of law prescribing the time and manner of  
28 levying, assessing, equalizing, and collecting county property  
29 taxes, including the sale of property for delinquency, and the  
30 redemption from sale, and the duties of county officers in this  
31 regard, are, so far as they are applicable and not in conflict with  
32 the specific provisions of this act, hereby adopted and made a part  
33 of this act.

34 21. (a) The board of directors may, by resolution adopted by  
35 a vote of a majority of the total vote of the board, require and fix  
36 the amount of, and the maturity, interest rate paid, and any other  
37 provisions of, all official bonds necessary for the agency to carry  
38 out the objects and purposes of the agency to provide a reliable  
39 supply of treated drinking water, agricultural water, and regional  
40 flood protection to the public. The resolution shall contain

1 sufficient detail to inform its beneficiaries, including, but not  
2 limited to, the purpose or purposes for the indebtedness, the amount  
3 of principal, and maximum amount of interest to be paid.

4 (b) After a resolution has been filed pursuant to subdivision (a),  
5 the board shall order by ordinance the submission of the proposition  
6 of incurring bonded indebtedness to the qualified voters within  
7 the territory served by the agency at an election authorized by law  
8 at which the qualified electors of the agency are entitled to vote.  
9 The ordinance shall submit to the qualified voters of the agency  
10 the proposition of incurring a bonded debt detailed in the  
11 resolution. In this regard, a brief, general description of the amount  
12 and purposes for which the indebtedness is proposed to be incurred  
13 with the certified copy of the resolution incorporated by reference  
14 shall suffice. The ordinance may state that no bonds authorized at  
15 the election will be sold until taxes or assessments have been levied  
16 on the area benefited by the improvement which will provide for  
17 payments to the agency sufficient to pay the principal and interest  
18 on any bonds issued.

19 (c) The board shall cause a map or maps to be prepared covering  
20 a general description of the project. A map shall show the location  
21 of the proposed project and the board shall cause the map to be  
22 posted in a prominent place in the county courthouse for the County  
23 of Alameda for public inspection and on the agency's Internet Web  
24 site for at least 30 days before the date fixed for the election.

25 (d) The ordinance calling for the election shall, prior to the date  
26 set for the election, be published pursuant to Section 6062 of the  
27 Government Code in a newspaper of general circulation. The last  
28 publication of the ordinance must be at least 14 days before the  
29 election, and if there is no newspaper of general circulation, then  
30 the ordinance shall be posted in five public places designated by  
31 the board, for at least 30 days before the date fixed for the election.  
32 No other notice of the election need be given nor need polling  
33 place cards be issued.

34 (e) Any defect or irregularity in the proceedings prior to the  
35 calling of the election described in this section shall not affect the  
36 validity of the bonds authorized by the election. If at the election  
37 two-thirds of the votes cast are in favor of incurring the bonded  
38 indebtedness, then bonds for the amount stated in the proceedings  
39 shall be issued and sold as provided in this act.

1     22. The board may issue and sell the bonds authorized pursuant  
2 to the board's resolution at not less than par value, and the proceeds  
3 of the sale of the bonds shall be placed in the treasury of the  
4 agency.

5     23. Notwithstanding any other law, taxes and assessments may  
6 be levied by the board upon any property in the agency for the  
7 purpose of making payments to the state under the terms of the  
8 agency's state water contract for the construction, maintenance,  
9 repair, operation, and all other costs of the zone's prorated share  
10 of state water project facilities.

11     24. (a) On or before December 15 of each year, the board of  
12 directors shall meet, at the time and place designated by published  
13 notice, at which meeting any member of the general public may  
14 appear and be heard regarding any item in the proposed budget or  
15 for the inclusion of additional items.

16     (b) At the same time and place designated in the public notice,  
17 the board shall review its financial reserves.

18     (c) After the conclusion of the meeting, and not later than  
19 December 31 of each year, and after making any revisions of,  
20 deductions from, or increases or additions to, the proposed budget  
21 that the board determines advisable during or after the meeting,  
22 the board, by resolution, shall adopt the budget as finally  
23 determined.

24     25. The bonds of the agency issued pursuant to this act shall  
25 be legal investments for all trust funds, for the funds of all  
26 insurance companies, banks, both commercial and savings, and  
27 trust companies, for the state school funds, and whenever any  
28 money or funds may by law now or hereafter enacted be invested  
29 in bonds of cities, cities and counties, counties, school districts,  
30 or municipalities in the state, the money or funds may be invested  
31 in the bonds of the agency issued in accordance with the provisions  
32 of this act, and whenever bonds of cities, cities and counties,  
33 counties, school districts, or municipalities, may by any law now  
34 or hereafter enacted be used as security for the performance of any  
35 act, the bonds of the agency may be so used.

36     26. All bonds issued by the agency under the provisions of this  
37 act shall be free and exempt from taxation within the state pursuant  
38 to subdivision (c) of Section 3 of Article XIII of the California  
39 Constitution.

1     27. Any improvement for which bonds are voted under the  
2 provisions of this act shall be made in conformity with the report,  
3 plans, specifications, and map adopted, unless the doing of any of  
4 the work described in the report shall be prohibited by law, or be  
5 rendered contrary to the best interests of the agency by some  
6 change of conditions in relation thereto, in which event the board  
7 may order necessary changes made in the proposed work or  
8 improvements and may cause any plans and specifications to be  
9 made and adopted.

10    28. Whenever bonds have been authorized by the agency and  
11 the proceeds of the sale of the bonds have been expended as  
12 authorized, the board may by resolution determine that additional  
13 bonds should be issued for carrying out the work of flood control,  
14 water supply, or for any of the purposes of this act, and the board  
15 may submit to the qualified voters, the question of issuing  
16 additional bonds in the same manner and with like procedure. All  
17 provisions of this act for the issuing and sale of bonds and for the  
18 expenditure of the proceeds of bonds shall be deemed to apply to  
19 an issue of additional bonds.

20    29. In addition to proceedings authorized under this act,  
21 whenever the board determines that it is in the public interest, it  
22 may borrow money to provide funds to pay the cost of any work  
23 or improvement in the agency by the issuance of revenue bonds  
24 pursuant to the Revenue Bond Law of 1941 (Chapter 6  
25 (commencing with Section 54300) of Part 1 of Division 2 of Title  
26 5 of the Government Code), provided that, in addition to the  
27 purposes established in the Revenue Bond Law of 1941, the agency  
28 may also issue bonds for the purpose of financing the construction,  
29 reconstruction, replacement, acquisition, or improvement of any  
30 facility or facilities necessary or convenient for the storage,  
31 treatment, including reclamation, transmission, or distribution of  
32 water for beneficial use within the agency, and for the purpose of  
33 generation or transmission of electric power. If the work or  
34 improvement is determined by the board to be for an area  
35 comprising less than the whole agency, the election at which the  
36 proposition to issue revenue bonds is submitted shall be held only  
37 in that area. Proceeds from the sale of any revenue bonds shall be  
38 expended only in the area in which the proposition to issue revenue  
39 bonds is approved. In the case of any conflict between the  
40 provisions of this act and the provisions of the Revenue Bond Law

1 of 1941 regarding the issuance of revenue bonds, the provisions  
2 of the Revenue Bond Law of 1941 shall control.

3 30. The repeal or amendment of this act or a change in  
4 boundaries of the agency shall not in any way affect or release any  
5 of the property in the agency from the obligations of any  
6 outstanding bonds or indebtedness until all outstanding bonds or  
7 indebtedness have been fully paid and discharged.

8 31. There is hereby granted to the agency the right-of-way for  
9 the location, construction, and maintenance of water collection,  
10 distribution or flood control channels, ditches, waterways, conduits,  
11 canals, storm dikes, embankments, and protective works in, over,  
12 and across public land of the ~~state~~ *State of California*, not otherwise  
13 disposed of or in use, not in any case exceeding in length or width  
14 that is necessary for the construction of the works and adjuncts or  
15 for the protection thereof. Whenever any selection of a right-of-way  
16 for the works or adjuncts is made by the agency the board must  
17 transmit to the State Lands Commission, the Controller, and the  
18 county recorder in which the selected lands are situated, a plat of  
19 the lands selected, giving the extent and the uses for which the  
20 same is claimed or desired, duly verified to be correct. If the State  
21 Lands Commission approves the selections made it shall endorse  
22 its approval upon the plat and issue to the agency a permit to use  
23 the right-of-way and lands.

24 32. Claims for money or damages against the agency are  
25 governed by Part 3 (commencing with Section 900) of Division 3  
26 of, and Part 4 (commencing with Section 940) of Division 3.6 of,  
27 Title 1 of the Government Code, except as provided. Claims not  
28 governed thereby or by other statutes or by ordinances or  
29 regulations authorized by law and expressly applicable to those  
30 claims shall be prepared and presented to the governing body and  
31 all claims shall be audited and paid, in the same manner and with  
32 the same effect as are similar claims against the county.

33 33. (a) The legal title to all property, except shares of stock in  
34 mutual water companies or corporations, as provided in Section  
35 17 of Article XVI of the California Constitution, acquired *by or*  
36 *on behalf of the former Zone 7 of the Alameda County Flood*  
37 *Control and Water Conservation District* or under this act shall  
38 immediately and by operation of law vest in the agency, and shall  
39 be held by the agency, in trust for, and is hereby dedicated and set  
40 apart to, the uses and purposes set forth in this act. The board may

1 hold, use, acquire, manage, occupy, and possess the property, as  
2 provided, and the board may determine, by resolution duly entered  
3 in its minutes that any real property, or interest therein, held by  
4 the agency is no longer necessary to be retained for those uses and  
5 purposes, and may sell, lease, or otherwise dispose of the property  
6 pursuant to this section.

7 (b) Real property that, in the unanimous judgment of the board,  
8 has no access to a public road, or that consists of an easement for  
9 ingress and egress to property that, by the terms of the easement,  
10 will terminate when ingress and egress is supplied to the property  
11 by a public road, may be sold, leased, or conveyed by the board  
12 on terms prescribed by it.

13 (c) The board may reconvey real property to the former owner  
14 by whom the property was conveyed, or from whom the property  
15 was condemned by the agency, or the owner's successor in interest  
16 for fair market value. Fair market value shall be determined by a  
17 qualified real estate appraiser. However, the agency may reconvey  
18 real property to the former owner or his or her successor in interest  
19 for less than fair market value if the agency finds that a public  
20 purpose exists justifying that reconveyance for less than fair market  
21 value.

22 (d) The board may by a majority vote exchange real property  
23 of equal value with any person, firm, or corporation for the purpose  
24 of removing defects in the title to real property owned by the  
25 agency or where the real property to be exchanged is not required  
26 for agency use and the property to be acquired is required for  
27 agency use.

28 (e) In all other cases, the board shall be governed in the sale,  
29 lease, or other disposition of real property by the requirements of  
30 law governing that action by counties, provided that notice of the  
31 board's intended action shall be as prescribed in Section 25363 of  
32 the Government Code.

33 (f) The board may by resolution prescribe a procedure for the  
34 leasing of real property owned by the agency alternative to the  
35 requirements of law governing counties.

36 (g) The board may, by a majority vote, sell, lease, or otherwise  
37 transfer to the state, the County of Alameda or the County of  
38 Contra Costa, or to any city, school district, or other special district  
39 within the agency, or exchange with the public entities, any real

1 or personal property or interest belonging to the agency upon the  
2 terms and conditions that are agreed upon.

3 (h) The board shall establish regulations for the trade in, survey,  
4 sale, or other disposition of personal property held by the agency  
5 and no longer necessary to be retained for the uses and purposes  
6 thereof, provided, however, that any sale of personal property  
7 having a sale value in excess of that value stated from time to time  
8 by Article 2 (commencing with Section 1041.6) of Subchapter 3  
9 of Chapter 2 of Division 2 of Title 2 of the California Code of  
10 Regulations as a definition of “fixed assets,” or any lower value  
11 as may be determined by the board, shall be made upon public bid  
12 preceded by notice of the board’s intended action given as  
13 prescribed in Section 25363 of the Government Code.

14 34. The agency formed under this act, in order to determine  
15 the legality of its existence, ~~or the legality of any contract entered~~  
16 ~~into by the agency, or any other matter,~~ may institute a proceeding  
17 ~~therefor in the superior court of this state, in and for the County~~  
18 ~~of Alameda, by filing with the clerk of the county superior court~~  
19 ~~a complaint setting forth the name of the agency, its exterior~~  
20 ~~boundaries, the date of its organization and a prayer that it be~~  
21 ~~adjudged a legal public agency formed under the provisions of this~~  
22 ~~act, or setting forth the name of the agency, the parties to and nature~~  
23 ~~of the contract, a copy of the contract, and a prayer that it be~~  
24 ~~adjudged a legal contract. The summons in that proceeding shall~~  
25 ~~be served by publishing a copy of the summons once a week for~~  
26 ~~four weeks in a newspaper of general circulation published in the~~  
27 ~~county. The state shall be a defendant in that action, and consent~~  
28 ~~therefor is given. Service of summons shall be made on the~~  
29 ~~Attorney General. The Attorney General shall appear in the action~~  
30 ~~on behalf of the state in the same manner as with appearances in~~  
31 ~~civil actions. Within 30 days after proof of publication of the~~  
32 ~~summons being filed in the proceeding, the state, any property~~  
33 ~~owner or resident in the agency, or any person interested may~~  
34 ~~appear as a defendant in the action by serving and filing an answer~~  
35 ~~to the complaint, in which case the answer shall set forth the facts~~  
36 ~~relied upon to show the invalidity of the agency, or the contract,~~  
37 ~~and shall be served upon the attorney for the agency before being~~  
38 ~~filed in such a proceeding. The proceeding is hereby declared to~~  
39 ~~be a proceeding in rem and the final judgment rendered therein~~  
40 ~~shall be conclusive against all persons whomsoever, including the~~

1 ~~agency and the state. To the extent not inconsistent with the~~  
2 ~~foregoing, the court shall use the procedures set forth in pursuant~~  
3 ~~to the provisions of Chapter 9 (commencing with Section 860) of~~  
4 ~~Title 10 of Part 2 of the Code of Civil Procedure.~~

5 35. (a) Each person elected or appointed to the office of director  
6 shall, within 30 days after receiving his or her certificate of  
7 election, or notice of appointment, qualify by taking and  
8 subscribing to an official oath. The director shall file his or her  
9 official oath with the clerk of the board, *as has been adjusted, or*  
10 *may be adjusted in the future, pursuant to Chapter 2 (commencing*  
11 *with Section 20200) of Division 10 of the Water Code.*

12 (b) The board may authorize each director to receive  
13 compensation not exceeding one hundred dollars (\$100) per day  
14 for each day's attendance at meetings of the board, or committees  
15 thereof, or for each day's service rendered as a director by request  
16 of the board.

17 (c) Employees appointed by the board under this act, when  
18 required by the board of the agency, shall execute bonds  
19 conditioned, executed, approved, filed, and recorded in the general  
20 manner and form provided by law for officers, other than  
21 supervisors, of the county, before entering upon the duties of their  
22 respective employments.

23 36. This act, and every part thereof, shall be liberally construed  
24 to promote the objects thereof, and to carry out its intents and  
25 purposes.

26 37. The provisions and procedures of law available under this  
27 act are not subject to the Special Assessment Investigation,  
28 Limitation and Majority Protest Act of 1931 (Part 1 (commencing  
29 with Section 2800) of Division 4 of the Streets and Highways  
30 Code).

31 38. The provisions of this act are severable. If any provision  
32 of this act or its application is held invalid, that invalidity shall not  
33 affect other provisions or applications that can be given effect  
34 without the invalid provision or application.

35 SEC. 2. Section 2 of the Alameda County Flood Control and  
36 Water Conservation District Act (Chapter 1275 of the Statutes of  
37 1949) is amended to read:

38 Sec. 2. A flood control district is hereby created to be called  
39 the Alameda County Flood Control and Water Conservation  
40 District. The district shall consist of all the territory of the County



1 of Alameda lying within the exterior boundaries of the county,  
2 except for the territory of the Zone 7 Water Agency, ~~as established~~  
3 ~~by the Zone 7 Water Agency Act, and on January 1, 2013, save~~  
4 as may be modified by the Local Agency Formation Commission  
5 of the County of Alameda. As used in this act “district” means the  
6 Alameda County Flood Control and Water Conservation District.

7 SEC. 3. Section 36 of the Alameda County Flood Control and  
8 Water Conservation District Act (Chapter 1275 of the Statutes of  
9 1949) is repealed.

10 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
11 ~~Section 6 of Article XIII B of the California Constitution because~~  
12 ~~a local agency or school district has the authority to levy service~~  
13 ~~charges, fees, or assessments sufficient to pay for the program or~~  
14 ~~level of service mandated by this act or because costs that may be~~  
15 ~~incurred by a local agency or school district will be incurred~~  
16 ~~because this act creates a new crime or infraction, eliminates a~~  
17 ~~crime or infraction, or changes the penalty for a crime or infraction,~~  
18 ~~within the meaning of Section 17556 of the Government Code, or~~  
19 ~~changes the definition of a crime within the meaning of Section 6~~  
20 ~~of Article XIII B of the California Constitution.~~

21 *SEC. 4. No reimbursement is required by this act pursuant to*  
22 *Section 6 of Article XIII B of the California Constitution because*  
23 *a local agency or school district has the authority to levy service*  
24 *charges, fees, or assessments sufficient to pay for the program or*  
25 *level of service mandated by this act, within the meaning of Section*  
26 *17556 of the Government Code.*